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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/740,410	12/18/2000	Tommy Dolan	34647-00430USPT	3692

27045 7590 05/21/2004

ERICSSON INC.
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EXAMINER

HASHEM, LISA

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 05/21/2004

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/740,410

Applicant(s)

DOLAN, TOMMY

Examiner

Lisa Hashem

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 December 2000.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 2-19-2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

FINAL DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 1 recites the limitation "the Mobile switching center/visitor location register (MSC/VLR) of the calling party" in lines 8-9 on page 2. There is insufficient antecedent basis for this limitation in the claim.
3. Claim 1 recites the limitation "the MSC/VLR of the called party" in line 9 on page 2. There is insufficient antecedent basis for this limitation in the claim.
4. Claim 1 recites the limitation "the monitoring results" in line 11 on page 2. There is insufficient antecedent basis for this limitation in the claim.
5. Claim 3 recites the limitation "said detecting step" in lines 17-18 on page 2. There is insufficient antecedent basis for this limitation in the claim.
6. Claim 8 recites the limitation "the expiration of a period of time" in line 10 on page 3. There is insufficient antecedent basis for this limitation in the claim.
7. Claim 11 recites the limitation "the determining step" in line 17 on page 3. There is insufficient antecedent basis for this limitation in the claim.
8. Claim 12 recites the limitation "the step of inquiring" in lines 19-20 on page 3. There is insufficient antecedent basis for this limitation in the claim.
9. Claim 13 recites the limitation "the determining step" in line 22 on page 3. There is insufficient antecedent basis for this limitation in the claim.
10. Claim 14 recites the limitation "said determining step" in lines 1-2 on page 4.

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11. Claim 15 recites the limitation "the Mobile switching center/visitor location register (MSC/VLR) of the calling party" in lines 8-9 on page 4. There is insufficient antecedent basis for this limitation in the claim.

12. Claim 15 recites the limitation "the MSC/VLR of the called party" in line 9 on page 4. There is insufficient antecedent basis for this limitation in the claim.

13. Claim 18 recites the limitation "the Mobile switching center/visitor location register (MSC/VLR) of the calling party" in lines 1-2 on page 5. There is insufficient antecedent basis for this limitation in the claim.

14. Claim 18 recites the limitation "the MSC/VLR of the called party" in line 2 on page 5. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. Claims 1 and 3-14 are rejected under 35 U.S.C. 103(a) as being obvious over U.S. Patent No. 6,631,270 by Dolan in view of U.S. Patent No. 6,134,316 by Kallioniemi et al, hereinafter Kallioniemi, and in further view of U.S. Patent No. 6,477,363 by Ayoub et al, hereinafter Ayoub.

The applied reference has a common inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome by: (1) a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the

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inventor of this application and is thus not an invention "by another"; (2) a showing of a date of invention for the claimed subject matter of the application which corresponds to subject matter disclosed but not claimed in the reference, prior to the effective U.S. filing date of the reference under 37 CFR 1.131; or (3) an oath or declaration under 37 CFR 1.130 stating that the application and reference are currently owned by the same party and that the inventor named in the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer in accordance with 37 CFR 1.321(c). For applications filed on or after November 29, 1999, this rejection might also be overcome by showing that the subject matter of the reference and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person. See MPEP § 706.02(l)(1) and § 706.02(l)(2).

Regarding claim 1, Dolan discloses a method for completing a call from a calling party (Figure 1, 120) to a mobile station (MS) of a called party (Figure 1, 130) that was not previously completed because of cell congestion (see Abstract; column 2, lines 23-29), comprising: inherently sending a request from a Mobile switching center/visitor location register (MSC/VLR) of the calling party (Figure 1, 110) to a MSC/VLR of the called party (Figure 1, 111; column 4, lines 25-45) to activate a movement determination method to monitor the mobile station of the called party (column 7, line 47 – column 8, line 10); and responsive to monitoring results, one of initiating a callback procedure to the called party to complete the uncompleted call if the MS has moved and canceling said callback procedure if the MS has not moved (column 8, lines 15-33).

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Dolan does not disclose a method for completing a call that was not previously completed because of no response by the called party and a movement determination unit to monitor the MS of the called party.

Kallioniemi discloses a method of routing calls through a telecommunications system for a relocated subscriber and location of any telecommunications system resource (see Abstract). In Figure 8, Kallioniemi shows a provisioning of call back services such as CCNR (call completion at no response) between a called party and a calling party (column 11, line 46 – column 12, line 29). It is possible to route calls to different networks depending on the type of access being used by the called party at a certain moment, e.g., if a cellular phone is being used or a fixed phone and providing number relocate-ability when changing from one operator or service provider to another and when changing service types (e.g. from fixed to GSM) (column 3, lines 52-64; column 16, line 40 – column 17, line 56).

It can be seen that Dolan in view of Kallioniemi lack activating a movement determination unit to monitor the MS of the called party.

Ayoub discloses a method of communicating the location of an emergency caller from a mobile telephone set through a telephone network to a control station which is handling the emergency call in which position data corresponding to the location of the mobile telephone set is obtained and transformed into a format to be transmitted to the control station (see Abstract; column 2, lines 1-15). The mobile phone (Figure 1, 1) has a built in means for obtaining its position wherein a GPS module or location detection unit (Figure 1, 12) calculates the position of the mobile telephone (column 3, line 66 – column 4, line 19).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to include a location determination unit as taught by Ayoub, for the method of initiating a callback of an unresponsive call of Dolan in view of Kallioniemi, for the purpose of initiating a callback when a called party has moved and canceling the callback if the called party has not moved. One of ordinary skill in the art would have been lead to make such a modification in a method involving a call that is not completed due to no response, wherein a callback procedure is initiated and a location or movement determination unit monitors the MS of the called party and the monitoring results are used to initiate or cancel a callback procedure.

Regarding claim 3, the method according to claim 1 mentioned above, wherein Dolan further discloses a detecting step comprising detecting that the MS of the called party has changed its location utilizing mobile positioning technology (column 2, line 50 - column 3, line 8; column 7, line 63 – column 8, line 4).

Regarding claim 4, the method according to claim 1 mentioned above, wherein Dolan further discloses, before the step of initiating a callback, deciding whether a callback should be initiated when it has been determined that the MS of the called party has moved (column 8, lines 15-27).

Regarding claim 5, the method according to claim 4 mentioned above, wherein Dolan further discloses a decision of said deciding step is based on one input determining that the MS of the called party has moved and at least one further input indicative that the callback may be successful (column 9, lines 20-53).

Regarding claim 6, the method according to claim 5 mentioned above, wherein Dolan further discloses said step of determining that the MS of the called party has moved comprises

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making a first determination that the MS of the called party has moved, and wherein said at least one further input comprises making a second determination that the MS of the called party has moved (column 9, lines 6-13).

Regarding claim 7, the method according to claim 6 mentioned above, wherein Dolan further discloses said first and second determinations are made by first and second movement determination procedures, respectively (column 9, lines 6-53).

Regarding claim 8, the method according to claim 5 mentioned above, wherein Dolan further discloses said at least one further input comprises an expiration of a period of time before said callback is initiated (column 6, lines 30-43).

Regarding claim 9, the method according to claim 1 mentioned above, wherein Dolan further discloses the MS of the called party inherently answers a callback attempt prior to contacting the calling party (column 9, lines 1-13).

Regarding claim 10, the method according to claim 1 mentioned above, wherein Dolan further discloses said method is provided in a call completion service, and wherein said service is available to either of the called party or the calling party (column 5, lines 7-17).

Regarding claim 11, the method according to claim 1 mentioned above, wherein Dolan further discloses receiving a call completion request from the calling party before a determining step (column 5, line 65 – column 6, line 13).

Regarding claim 12, the method according to claim 10 mentioned above, wherein Dolan further discloses when said service is subscribed to by said calling party, the method further includes a step of inquiring if the calling party wants a callback initiated before the callback is initiated (column 9, lines 42-48).

Regarding claim 13, the method according to claim 1 mentioned above, wherein Dolan further discloses the step of canceling the callback if a determining step does not determine that movement has occurred within a set period of time (column 8, lines 27-33).

Regarding claim 14, the method according to claim 1 mentioned above, wherein Dolan further discloses a determining step includes inherently monitoring the called MS on a periodic basis to determine if it has moved (column 8, lines 15-33).

17. Claims 15-19 are rejected under 35 U.S.C. 103(a) as being obvious over U.S. Patent No. 6,631,270 by Dolan in view of U.S. Patent No. 6,134,316 by Kallioniemi et al, hereinafter Kallioniemi, and in further view of U.S. Patent No. 6,477,363 by Ayoub et al, hereinafter Ayoub.

Regarding claim 15, Dolan discloses an apparatus for implementing a callback on cell congestion when a call from a calling party (Figure 1, 120) to a mobile station (MS) of a called party (Figure 1, 130) is not completed due to cell congestion (see Abstract; column 2, lines 23-29), said apparatus comprising: a movement determination method for determining whether the MS of the called party has moved (column 7, line 47 – column 8, line 10); means for inherently sending a request from a Mobile switching center/visitor location register (MSC/VLR) of the calling party (Figure 1, 110) to a MSC/VLR of the called party (Figure 1, 111; column 4, lines 25-45) to activate the movement determination method to monitor the mobile station of the called party (column 7, line 47 – column 8, line 10); and initiating a callback procedure to the called party to complete the uncompleted call if the movement determination unit has determined that the MS has moved and for canceling said callback procedure if the MS has not moved (column 8, lines 15-33).

Dolan does not disclose a method for completing a call that was not previously completed because of no response by the called party, a movement determination unit to monitor the MS of the called party, and a callback unit for initiating the callback procedure.

Kallioniemi discloses a method of routing calls through a telecommunications system for a relocated subscriber and location of any telecommunications system resource (see Abstract). In Figure 8, Kallioniemi shows a provisioning of call back services such as CCNR (call completion at no response) between a called party and a calling party (column 11, line 46 – column 12, line 29). It is possible to route calls to different networks depending on the type of access being used by the called party at a certain moment, e.g., if a cellular phone is being used or a fixed phone and providing number relocate-ability when changing from one operator or service provider to another and when changing service types (e.g. from fixed to GSM) (column 3, lines 52-64; column 16, line 40 – column 17, line 56). The local exchanges include functions, e.g. CCBS (call completion to busy subscriber) or CCNR (call completion at no response) that inherently operate as a callback unit to initiate the callback procedure to complete the uncompleted call (column 12, lines 19-29).

It can be seen that Dolan in view of Kallioniemi lack activating a movement determination unit to monitor the MS of the called party.

Ayoub discloses a method of communicating the location of an emergency caller from a mobile telephone set through a telephone network to a control station which is handling the emergency call in which position data corresponding to the location of the mobile telephone set is obtained and transformed into a format to be transmitted to the control station (see Abstract; column 2, lines 1-15). The mobile phone (Figure 1, 1) has a built in means for obtaining its

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position wherein a GPS module or location detection unit (Figure 1, 12) calculates the position of the mobile telephone (column 3, line 66 – column 4, line 19).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to include a location determination unit as taught by Ayoub, for the method of initiating a callback of an unresponsive call of Dolan in view of Kallioniemi, for the purpose of initiating a callback when a called party has moved and canceling the callback if the called party has not moved. One of ordinary skill in the art would have been lead to make such a modification in a method involving a call that is not completed due to no response, wherein a callback procedure is initiated by a callback unit and a location or movement determination unit monitors the MS of the called party and the monitoring results are used to initiate or cancel a callback procedure.

Regarding claim 16, the apparatus according to claim 15 mentioned above, wherein Ayoub further discloses said movement determination unit inherently comprises a detection unit for detecting that the MS of the called party has changed its location (see Figure 1, 12; column 3, lines 42-49).

Regarding claim 17, the apparatus according to claim 16 mentioned above, wherein Ayoub further discloses said detection unit utilizes mobile positioning technology, e.g. GPS (column 3, line 66 – column 4, line 19).

Regarding claim 18, please see the rejection of the apparatus in claim 15 mentioned above, to reject the callback service in claim 18.

Regarding claim 19, the callback service according to claim 18 mentioned above, wherein Dolan further discloses said service is available to be subscribed to by either the calling party or the called party (column 5, lines 7-17).

Response to Arguments

18. Applicant's arguments with respect to claims 1 and 3-19 received on February 19, 2004 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- U.S. Patent No. 6,456,842 by Subramanian et al disclose a telecommunications system for allowing a calling mobile subscriber to activate a call back on busy feature and specify the maximum waiting period after which the call back is no longer attempted

20. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

21. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

22. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Or faxed to:

(703) 872-9314 (for formal communications intended for entry)

Or call:

(703) 306-0377 (for customer service assistance)

Hand-delivered responses should be brought to: Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa Hashem whose telephone number is (703) 305-4302. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

LH

lh
May 4, 2004

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER

